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C O N F I D E N T I A L SECTION 01 OF 04 KATHMANDU 002871

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SUBJECT: LITTLE PROGRESS ON REFUGEE ISSUES

Classified By: Charge Elisabeth Millard. Reasons 1.4 (b/d).

Summary

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¶1. (C) Despite calls in a variety of meetings from December 12-15 by the Ambassador, DCM and visiting PRM/ANE Deputy Director Larry Bartlett for His Majesty's Government of Nepal (HMGN) to issue travel documents and exit permits to Tibetan and Bhutanese refugees, HMGN continued to withhold issuance, citing the need to "study" the issues. HMGN officials stressed that there was no change in policy, saying Nepal would provide continued protection for refugees, but offering no timeline for HMGN's "study" of refugee issues. The new Home Minister said that the U.S. proposal for resettlement of 5,000 resident Tibetans would require "close consultation with the Foreign Ministry" as it was a "sensitive issue." On Bhutanese refugees, Thapa agreed that it was currently a deadlocked situation and called on Bhutan to act as it had promised. The Ambassador urged Nepal to set a timeline for Bhutan, and if there was not movement to then internationalize the process, especially as Maoists were infiltrating the camps which would make third country resettlement more difficult. In separate meetings, the Tibetan Reception Center (TRC) and the Lutheran World Federation told Bartlett they had developed a good working relationship, and expected construction on the TRC building extension to begin by January 2006. UNHCR and the World Food Program told Bartlett about worldwide budget cuts that would affect the level of assistance supplied to Bhutanese refugees. A Home Ministry Under Secretary told Bartlett that HMGN was still developing a plan for internally displaced people (IDPs). End Summary.

No Change in HMGN Refugee Policy

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¶2. (C) New Home Minister Kamal Thapa told the Ambassador and visiting PRM/ANE Deputy Director Larry Bartlett on December 13 that, while he had not yet been briefed on specific refugee issues, he was confident that His Majesty's Government of Nepal (HMGN) had not changed policy and would provide continued protection for refugees in country. (Note: Thapa was familiar with refugee issues as he held the portfolio of Home Affairs for three months in early 2004. End note.) Acting Foreign Secretary Nabin Bahadur Shrestha also stressed to the DCM and Bartlett in a separate December 13 meeting that HMGN had no change in policy on refugee

issues. Both the Ambassador and DCM expressed appreciation for HMGN's long history and confirmation of continued protection of refugees, but noted that there were several refugee issues requiring urgent attention.

#### Issuance of Tibetan Exit Permits Urgent

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13. (C) Highlighting the poor conditions at the Tibetan Reception Center (TRC) due to severe overcrowding, the Ambassador urged Thapa to immediately resume issuing exit permits for Tibetan refugees there. Thapa promised to look into the issue. Similarly, Shrestha told the DCM that HMGN was "studying" the situation of increased numbers of Tibetans in Nepal, but offered no timeline. Bartlett described to Thapa and Shrestha the conditions he witnessed during a December 12 visit to TRC, including Tibetans sleeping under a tarp on the TRC outdoor basketball court. Bartlett stressed that, while such poor conditions might be unavoidable temporarily, the only long-term solution was for HMGN to issue exit permits. The Ambassador and DCM stressed the strong Washington interest in Tibetan refugees transiting to India, and suggested that denying Tibetans the right to transit Nepal was a humanitarian issue that would not reflect well on HMGN.

#### Travel Documents For Refugees

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14. (C) The Ambassador stressed to Thapa the importance of HMGN issuing travel documents to Tibetans and Bhutanese refugees, including Tibetan follow-to-join asylum cases. The Ambassador focused on the urgent case of three vulnerable Bhutanese minor girls whom the U.S. was prepared to accept,

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noting that it was a humanitarian issue - UNHCR had asked for assistance as they could not protect these girls within the refugee camp. Thapa said he would look into the general issue of travel documents, and the specific case of the vulnerable Bhutanese girls. He commented that, in principle, if a refugee wanted to depart, HMGN should allow them to go as HMGN was not in the position of keeping refugees in detention.

15. (C) The DCM urged Shrestha to issue travel documents to refugees. She explained that in the past HMGN immigration officials had simply stamped U.S. Embassy-issued travel letters as follow-to-join refugees departed at the airport. She said we were prepared to work with HMGN on the logistics of issuing travel documents if that would help HMGN to restart issuance of documents. She asked whether HMGN's decision not to issue travel documents was part of an overall review of Tibetans. Shrestha replied that it was "too early to say anything." He promised that HMGN would "come back with our strategy." He said "we understand your concern," but you must "understand our dilemma" as we have to work for the "best of relations with our two neighbors." Shrestha also lamented that the US emphasized "a small number of Tibetans," while "not pressuring Bhutan" to take back the large number of refugees in the camps. Bartlett disputed this assertion, and noted that the U.S. was equally interested in protecting all refugees.

#### Tibetan Resettlement in the US

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16. (C) In response to the Ambassador's proposal for US resettlement of 5,000 resident Tibetans, Thapa replied that "HMGN would have to discuss implications of the program in detail." Thapa noted that it would be "comfortable for me to see refugees gone" as it would "decrease our burden," but Tibetans were a "sensitive issue" requiring close consultation with the Foreign Ministry.

Time to Internationalize the Bhutanese Refugee Issue

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17. (C) Thapa agreed it would be a "great achievement" to find a durable solution for Bhutanese refugees. Recognizing that it was currently "a deadlocked situation," Thapa welcomed the Ambassador's ideas to move towards third country resettlement. However, Thapa stressed that Bhutan had agreed to take back Category One and Four refugees from Khundabari Camp and should fulfill this commitment. Thapa noted that HMGN was waiting for Bhutan to act, though the Bhutanese kept offering the same deal to successive governments in Nepal with no sign of action. The Ambassador agreed that Bhutan must act on promises made, and that there must be some way to ensure that the Bhutanese of Nepalese heritage still in Bhutan did not face ethnic cleansing in the future. The Ambassador recommended that HMGN set a deadline for Bhutanese action, and communicate this timeline to Bhutan. Noting that Bhutan had not acted for 15 years, the Ambassador suggested that if Bhutan did not respond to the deadline then HMGN should change the rules of the game and internationalize the process. Thapa said he would need to discuss this idea with the Foreign Minister. The DCM similarly told Shrestha that HMGN should communicate a timeline to Bhutan. Shrestha said that HMGN was waiting for Bhutan to act and show sincerity on what they had promised as "the ball is in their court." He asked the USG to pressure Bhutan, and noted that HMGN needed to "show the people results" as Nepal had an open press, implying that HMGN would like a solution that makes it look responsive.

#### Urgency Due to Maoist Infiltration in Camps

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18. (C) Bartlett stressed that the USG was urgently focusing on the Bhutanese camps as the Maoist influence there appeared to be spreading. He noted that the U.S. and other countries were prepared to accept large numbers of Bhutanese refugees, but that the U.S. could not accept any who were Maoists. The Ambassador highlighted the interest of the U.S. and other countries in resettling 7,500 vulnerable refugee cases that UNHCR had identified, stressing that the US would not cherry-pick young and skilled refugees. He noted that

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protecting these vulnerable cases also argued for swift action.

#### UNHCR Profiling

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19. (C) The Ambassador urged Thapa to allow UNHCR to do profiling of the Bhutanese refugees in the camps, in order to compile information on who was in the camps. The Ambassador explained that this was a worldwide UNHCR requirement that was in no way related to the joint verification between the governments of Bhutan and Nepal, nor did it imply that refugees would be resettled in Nepal. Thapa said he would look into the issue, noting that he would get more details in his meeting with UNHCR Resident Representative Abraham. Abraham scheduled for December 14.

#### Human Trafficking: Reason for Non-Issuance of Exit Permits?

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110. (C) Kabi Raj Khanal, Under Secretary in the Home Ministry in charge of refugee issues, told Bartlett on December 14 that HMGN's decision to stop issuing exit permits to Tibetans was "not a brigade level decision." He said that some in HMGN felt "betrayed" by the Tibetan community for abusing HMGN's long history of protecting refugees by transiting Nepal without contacting UNHCR. He explained the Chinese government had pressured Nepal to turn over escaped criminals, and yet HMGN continued to protect Tibetans as a policy. However, he commented, HMGN had evidence that people along the border were being paid to "traffic" Tibetans to Nepal, including criminals. He noted that while he was not a

member of talks involving the recent official Tibetan delegation to Nepal, he believed that Tibetan refugees were not a topic of discussion. He strongly denied any Chinese pressure to not issue exit permits, and restated that it was an "emotional betrayal of trust" by the Tibetan community in Nepal and UNHCR. Khanal could not say when there would be a "political consensus" to issue exit permits. He noted that he had yet to brief the new Minister, with whom Bartlett and the Ambassador had discussed these issues two days previously. Bartlett replied neither TRC nor UNHCR had a good understanding of why HMGN was not issuing exit permits, and suggested that HMGN should communicate with each party if there were specific steps they needed to take in order for HMGN to resume issuing exit permits.

#### Tibetan Reception Center & LWF

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¶11. (C) TRC Director Lhoudup Dorjee told Bartlett on December 12 that he did not have any outstanding issues with the Lutheran World Federation (LWF). LWF Country Director Marceline Rozario also separately reported smooth relations with TRC in a December 13 meeting with Bartlett. Rozario said that bids for TRC extension construction were due soon and that he expected construction would begin in late December or early January 2006.

#### Lack of Funding Forcing Cuts by UNHCR and World Food Program

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¶12. (C) Lack of donor funding was forcing both UNHCR and the World Food Program (WFP) to reduce assistance to Bhutanese refugees in camps. UNHCR Resident Representative Abraham Abraham told Bartlett on December 12 that UNHCR would have to reduce funding by 20 percent due to worldwide budget cuts. Abraham noted that over 50 percent of UNHCR funding in the camps had been spent on kerosene fuel for refugees. UNHCR had no choice but to cut kerosene rations and begin using biomass briquettes as a fuel source starting January 1, 2006, even though a few thousand students in the camp had recently taken to the streets in protest. Erika Joergensen, World Food Program Representative in Nepal, told Bartlett on December 13 that WFP would urgently welcome a durable solution for Bhutanese refugee. She also suggested that India should give citizenship to the 20,000 Bhutanese who were living in India, as part of the larger solution. She stressed that WFP strongly supported UNHCR's request to HMGN to allow profiling as WFP needed better data on the camp population for WFP food distribution purposes. Joergensen said that WFP did not have donor funds past February to feed

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the refugees in camps, though she acknowledged that WFP would tap into internal funds to prevent a humanitarian crisis. She noted that LWF was worried about UNHCR's cuts in assistance, especially the decrease in fresh vegetables, as WFP had recently introduced fortified food as a result of surveys showing rising malnutrition. UNHCR representatives in the camps told Bartlett that UNHCR's cuts in food were a result of a joint WFP and UNHCR survey, and while WFP food distributions met all minimum dietary requirements, UNHCR's food contributions targeted food palatability.

#### Local Administration

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¶13. (C) On December 15, Deputy Chief District Officer (DCDO) of Jhapa District told Bartlett that he would welcome a durable solution for the Bhutanese refugees. He opined that while he had to deal with six camps daily (the seventh camp is in neighboring Morang District), there was little interest in the situation at the "far away" central government level. He said he would welcome UNHCR's profiling exercise, as it would allow him to have a better idea of who was in and around the camps, and allow each refugee to have photo identification. He readily acknowledged that Maoists were a

problem in the camps, especially Khudunabari and Timai. He said they had established refugee community watch teams because, even if there was an incident, security forces could not easily go to those camps. He worried about local integration of refugees, with resettlement offered only to those young and skilled. He said refugees kept trying to repatriate themselves to Bhutan, but Indians stopped them at the border. He wondered why India had not stopped the refugees when they initially fled Bhutan. He also worried about a new influx of refugees, noting the sizable Nepalese population that still resided in Bhutan. Bartlett allayed his fears and reiterated his discussion with the Home Minister and Acting Foreign Secretary. The DCDO welcomed this briefing, saying those in Kathmandu rarely communicated with the field.

#### Visit to Goldhap Camp

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¶14. (C) Bartlett and Emboff visited Goldhap Bhutanese Refugee Camp in Jhapa on December 15 and found the school, health clinic and women's center full of people and operating smoothly. The refugees were lined up in an orderly fashion to collect food rations as well as roofing material. Emboff saw no Nepali government authorities or security forces in or around the camps and although there was an order by the Chief District Office not to leave camp without permission, the UNHCR fieldworker noted that with open camp borders many men leave the camp to work on the local economy.

#### Working on IDP Plan

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¶15. (C) The Home Ministry's Khanal told Bartlett on December 14 that HMGN was working on a plan for internally displaced people (IDPs). He noted that there was no good data on the number of IDPs or even a HMGN definition of who constituted an IDP. He said his office had drafted a plan, and was consulting with the National Planning Commission and the Ministry of Finance.

¶16. (U) Larry Bartlett departed post before clearing this cable.  
MILLARD